United Nations CRC/C/OPAC/BTN/CO/1

Convention on the Rights of the Child

Distr.: General
27 June 2017

Original: English

Committee on the Rights of the Child

Concluding observations on the report submitted by Bhutan under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

I. Introduction

1. The Committee considered the initial report of Bhutan (CRC/C/OPAC/BTN/1) at its 2290th meeting (see CRC/C/SR.2290), held on 18 May 2017, and adopted the present concluding observations at its 2321st meeting, held on 2 June 2017.

2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPAC/BTN/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the high level and multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's third to fifth periodic reports under the Convention on the Rights of the Child (CRC/C/BTN/CO/3-5) and on the report of the State party submitted under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BTN/CO/1), adopted on 2 June 2017.

II. General observations

Positive aspects

4. The Committee welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular the declaration made at the time of ratification/accession setting the minimum age for voluntary recruitment into the armed forces at 18 years and the adoption of the Labour and Employment Act of Bhutan in 2007 prohibiting the recruitment of children for use in armed conflict.

III. General measures of implementation

Dissemination and awareness-raising

5. The Committee welcomes the translation of the Optional Protocol into Dzongkha, the national language, and its dissemination but is concerned that the State party has not

* Adopted by the Committee at its seventy-fifth session (15 May-2 June 2017).

GE.17-10608(E)

Please recycle

sufficiently disseminated information about its principles and provisions among the members of the armed forces and the general public, including children and their families.

6. **Pursuant to article 6 (2) of the Optional Protocol, the Committee recommends that the State party enhance its efforts to make the principles and provisions of the Optional Protocol widely known to the members of the armed forces, the public at large and children in particular, including through involvement of the media in awareness-raising programmes.**

Training

7. The Committee regrets the insufficiency of specific training on the provisions of the Optional Protocol in the course curricula for military and law enforcement personnel, including those involved in peacekeeping operations, and in capacity-building programmes for government and civil society organizations working on child protection issues.

8. **The Committee recommends that the State party include the Optional Protocol systematically in the training of all relevant professional groups, in particular the armed forces, members of international peacekeeping forces, law enforcement and immigration officers, prosecutors, lawyers, judges, teachers, social workers, local and district officials.**

Data

9. **The Committee recommends that the State party establish a mechanism for the comprehensive collection of data, disaggregated by sex, age, nationality and ethnic origin, on children in vulnerable situations, such as asylum-seeking, refugee, migrant and unaccompanied children who enter the State party and may have been recruited or used in hostilities abroad.**

IV. Prevention

Human rights and peace education

10. **With reference to its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party supplement its educational initiatives by including systematically peace education and international humanitarian law in school curricula, with special reference to crimes under the Optional Protocol.**

Protection of education in situations of armed conflict

11. **The Committee welcomes the State party's participation in the first international conference on the Safe Schools Declaration, held in Oslo in 2015, and recommends that it endorse the Declaration as a commitment to protect students, educational staff and infrastructure during armed conflict, which is particularly relevant in the context of the State party's participation in United Nations peacekeeping operations.**

V. Prohibition and related matters

Criminal legislation and regulations in force

12. The Committee is concerned that recruitment of children by armed forces, non-State armed groups and private military and security companies has not been explicitly prohibited and criminalized and that the recruitment of children below the age of 15 has not been defined as a war crime in the State party's legislation.

13. **The Committee recommends that the State party:**

(a) **Explicitly prohibit and criminalize the recruitment of children under 18 years of age by armed forces, non-State armed groups and private military and security companies;**

(b) **Define and punish the recruitment of children under the age of 15 as a war crime and consider ratifying the Rome Statute of the International Criminal Court.**

Extraterritorial jurisdiction

14. **The Committee recommends that the State party establish extraterritorial jurisdiction over acts prohibited under the Optional Protocol, including the conscription or enlistment of children into the armed forces or armed groups, if such crimes are committed by or against a State party's national or a person who otherwise has a close link with the State party.**

VI. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

15. The Committee notes that the Child Care and Protection Act of 2011 and its rules and regulations encompass the provision of preventive, responsive and protective services to children and outline the procedures for the determination of the best interests of the child for children in "difficult circumstances", which encompasses a child who is a victim of abuse or exploitation. However, the Committee regrets that the Act and its rules and regulations do not explicitly define a child involved in armed conflict as a "child in difficult circumstances".

16. **The Committee recommends that the State party review the Child Care and Protection Act and its rules and regulations, to include explicitly in the definition of "child in difficult circumstances" those children involved in armed conflict and explicitly to grant them all the protective services available to child victims.**

Assistance for physical and psychological recovery and social reintegration

17. **The Committee notes that there are no reported cases of children who have or may have been involved in armed conflict, but nevertheless recommends that the State party take the measures necessary to be prepared to provide children who may have been involved in armed conflict abroad with the appropriate assistance for their physical and psychological recovery when and if identified.**

VII. International assistance and cooperation

International cooperation

18. **The Committee recommends that the State party strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund (UNICEF) and other United Nations entities in the implementation of the Optional Protocol.**

VIII. Follow-up and dissemination

19. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the Parliament, relevant ministries, including the Ministry of Defence, the Supreme Court and local authorities, for appropriate consideration and further action.**

20. **The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to**

generate debate and awareness of the Optional Protocol, its implementation and monitoring.

IX. Next report

21. **In accordance with article 8 (2) the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**